

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455A.5(6), 456A.24 and 456A.30, the Natural Resource Commission hereby gives Notice of Intended Action to adopt new Chapter 56, “Shooting Sports Program Grants,” Iowa Administrative Code.

The proposed chapter creates program grants for shooting range development and enhancement around the state. These ranges are excellent tools for hunter recruitment and retention, as well as a source of recreation in their own right. The Department of Natural Resources’ shooting sports program receives federal dollars plus some state Fish and Game Protection Fund dollars to foster shooting sports and hunter safety in the state. Utilizing a portion of these funds to implement shooting range program grants furthers the Department’s mission of encouraging and promoting outdoor recreation.

The program contains two funding avenues: (1) for the development of new ranges or the improvement of existing ranges; and (2) for the purchase of range equipment. This new chapter implements this program by defining eligibility, application procedures, project selection criteria, the make-up and role of a scoring committee, and record-keeping requirements. This chapter is the product of a weeklong stakeholder meeting between the Department, county conservation boards, nonprofit shooting ranges, and private citizens, all of whom have expertise and interest in shooting sports. The program grants and this new chapter were specifically structured to ensure clarity of the rules, positive impact to the state, and maximum benefit to the general public.

Any interested person may make written suggestions or comments on the proposed chapter on or before June 21, 2012. Such written materials should be directed to Ben Berka, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail Ben.Berka@dnr.iowa.gov. Persons who wish to convey their views orally should contact Ben Berka at (515)281-0140 or at Mr. Berka’s office on the fourth floor of the Wallace State Office Building.

Additionally, the Department intends to hold a public hearing on this rule making at the Wallace State Office Building, Des Moines, Iowa, on June 21, 2012, at 12 noon in the Fourth Floor West Conference Room. At the public hearing, persons may present their views either orally or in writing. Persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule making.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

These grants will have a positive economic impact on the state, and present the following job creation opportunities:

1. Attendance will increase at shooting ranges (both those that receive grant dollars as well as those that do not) because there will be a general increase in awareness and interest in shooting sports through promotional activities;
2. Increased general interest in shooting sports will provide retailers, outfitters, suppliers, and other related businesses increased revenue opportunities; and
3. Increased support for the Department’s hunter recruitment and retention efforts will, in turn, benefit many businesses through equipment purchases, traveling needs, and license sales.

The complete Jobs Impact Statement prepared by the Department is available from the Department upon request.

These rules are intended to implement Iowa Code sections 456A.24 and 456A.30.
The following amendment is proposed.

Adopt the following new 571—Chapter 56:

CHAPTER 56
SHOOTING SPORTS PROGRAM GRANTS

DIVISION I
DEVELOPMENT GRANTS

571—56.1(456A) Purpose. The purpose of the shooting sports development grant is to provide state cost sharing to eligible applicants for the creation of new shooting ranges and improvement of existing shooting ranges and facilities. The department of natural resources shall administer this program.

571—56.2(456A) Definitions.

“*Commission*” means the natural resource commission.

“*Committee*” means the review and selection committee established in subrule 56.6(1).

“*Department*” means the department of natural resources as created in Iowa Code section 455A.2.

“*Director*” means the director of the department of natural resources.

571—56.3(456A) Eligibility requirements. The applicant must submit an application and all supporting documents in a timely manner.

56.3(1) Applicant requirements. The entity submitting the application must meet the requirements of this subrule. The entity must:

- a. Allow public access;
- b. Be free of any unresolved close-out issues on prior grant projects;
- c. Ensure that the shooting range will be located on property owned by the applicant or that the property is enrolled in a long-term lease of at least 25 years;
- d. Have liability insurance unless not required by law; and
- e. Make the range available for department hunter education courses, department hunter recruitment efforts, department archery programs, and Scholastic Clay Target Program activities.

56.3(2) Eligible entities. The following entities are eligible to apply for development grants:

- a. Iowa-based shooting sports organizations.
- b. Iowa primary and secondary public and private schools.
- c. Iowa public and private colleges and universities.
- d. Iowa nonprofit corporations.
- e. Public ranges not owned by the state, city park and recreation agencies, or county governments.

56.3(3) Ineligible entities. Privately owned for-profit ranges and state-owned-and-operated public ranges are not eligible for development grants.

571—56.4(456A) Maximum grant amounts. The maximum grant award is \$50,000 per project with at least a 25 percent match as described in subrule 56.5(3).

571—56.5(456A) Grant application submissions.

56.5(1) Form of application. Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.5(2) Application deadline. Grant applications (one original and five copies) must be received by the department by September 15 for the 2012 grant cycle. All subsequent years shall have a grant application deadline of February 1.

56.5(3) Match and local funding. Applicants are expected to finance 25 percent of development grant projects, either through cash, donated materials/labor, or other preapproved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to rule 571—56.11(456A). A letter of intent signed by the mayor, the chairperson of

the board of supervisors, the chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include matching funds in finalized budgets will be accepted as proof of commitment. Applicants must forward proof of local funding to the department by November 1 of the 2012 grant cycle, and June 1 for all subsequent years. If proof of local funding is not submitted, the application will be removed from the list of approved projects.

56.5(4) *Competitive bids.* Any development expense more than \$500 that is funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such process must be submitted with close-out documentation. Items purchased by any other means are not reimbursable under the grant.

571—56.6(456A) Project review and selection.

56.6(1) *Review and selection committee.* The review and selection committee shall be comprised of six members appointed by the director. The committee shall review and evaluate project applications and determine final project approval to be recommended to the commission. Three members shall be department staff, and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.6(2) *Conflict of interest.* If a project is submitted to the committee by an entity with a member or employee on the committee, that committee member shall not participate in discussion and shall not vote on that particular project.

56.6(3) *Consideration withheld.* The committee will not consider any application which, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application from an entity which, on the date of the selection session, has not demonstrated compliance with or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.6(4) *Application rating system.* The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points are as follows:

- a. Overall program strength and feasibility – 30 points.
- b. Education – 30 points.
- c. Proximity to other public ranges – 25 points.
- d. Range capacity – 15 points.
- e. Project type – 10 points.

56.6(5) *Rating of scores for tiebreakers.* If two or more projects receive the same score, the committee shall use the points awarded for overall program strength and feasibility, paragraph 56.6(4) “a,” to determine which project has a higher rank.

571—56.7(456A) Commission review. The commission will review and act upon all committee recommendations at the next scheduled commission meeting. The commission may reject any application selected for funding. Applicants shall be notified of their grant status in writing within 30 days after the commission meeting.

571—56.8(456A) Appeals. Unfunded applicants may appeal the commission’s decision to the director within five days of receipt of the commission’s decision. A letter of appeal shall be sent to the director of the department. Before making a final decision as to the grant award, the director shall review the application, committee score sheets and commission minutes.

571—56.9(456A) Grant amendments. Grant amendments may be made upon request by the applicant, subject to the availability of funds and approval by the director or the director’s designee.

571—56.10(456A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant

award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

571—56.11(456A) Payments. Ninety percent of approved grant funding may be paid to project grantees when requested, but no earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion of the project and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.11(1) Expense documentation, balance payment or reimbursement. Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the project and have been paid by the grantee prior to requesting reimbursement. If necessary, the department may request copies of canceled checks to verify expenditures.

56.11(2) Reasonable costs. For purposes of this rule, expenses that are necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility include, without limitation: (1) costs associated with the lease or acquisition of real property used for the project; (2) personal property acquired for use in the project; and (3) management and maintenance costs associated with the project. However, in no event shall funds awarded under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in subrule 56.5(3).

571—56.12(456A) Record keeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor's office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.12(1) Definition of records. Records include but are not necessarily limited to invoices, canceled checks, bank statements, and bid and quote documentation.

56.12(2) Annual reports. Grant recipients shall submit on forms provided by the department an annual report for seven years following the close of the grant.

571—56.13(456A) Project life and recovery of grant funds. Applicants shall state an expected project life of at least ten years which will become part of the project agreement. Should the funded project cease to be used for public recreation before the end of the stated project life, the director may seek to recover the remaining value of the grant award.

571—56.14(456A) Unlawful use of grant funds. Unlawful use of grant funds includes whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project.

571—56.15(456A) Remedy. Grant funds used without authorization for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.

571—56.16(456A) Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.

DIVISION II
EQUIPMENT GRANTS

571—56.17(456A) Purpose. The purpose of the shooting sports equipment grant is to provide state cost-sharing to eligible applicants for the purchase or improvement of shooting range equipment. The department shall administer the program.

571—56.18(456A) Definitions.

“*Commission*” means the natural resource commission.

“*Committee*” means the review and selection committee established in subrule 56.22(1).

“*Department*” means the department of natural resources as created in Iowa Code section 455A.2.

“*Director*” means the director of the department of natural resources.

571—56.19(456A) Eligibility requirements. The applicant must submit an application and all supporting documents in a timely manner.

56.19(1) Applicant requirements. The entity submitting the application must meet the requirements of this subrule. The entity must:

- a. Allow public access;
- b. Be free of any unresolved close-out issues with prior grant projects;
- c. Ensure that the shooting range will be located on property owned by the applicant or that the property is enrolled in a long-term lease of at least 25 years;
- d. Have liability insurance unless not required by law; and
- e. Make the range available for department hunter education courses, department hunter recruitment efforts, department archery programs, and Scholastic Clay Target Program activities.

56.19(2) Eligible entities. The following entities are eligible to apply for equipment grants:

- a. Iowa-based shooting sports organizations.
- b. Iowa primary and secondary public and private schools.
- c. Iowa public and private colleges and universities.
- d. Iowa nonprofit corporations.
- e. Public ranges not owned by the state, city park and recreation agencies, or county governments.

56.19(3) Ineligible entities. Privately owned for-profit ranges and state-owned-and-operated public ranges are not eligible for equipment grants.

571—56.20(456A) Maximum grant amounts. There is no maximum request amount for equipment grants, but a 50 percent match is required as described in subrule 56.21(3).

571—56.21(456A) Grant application submissions.

56.21(1) Form of application. Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.21(2) Application deadline. Grant applications (one original and five copies) must be received by the department by September 15 for the 2012 grant cycle. All subsequent years shall have a grant application deadline of February 1.

56.21(3) Match and local funding. Applicants are expected to finance 50 percent of equipment grant projects, either through cash, donated materials/labor, or other preapproved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to rule 571—56.27(456A). A letter of intent signed by the mayor, the chairperson of the board of supervisors, the chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include matching funds in finalized budgets will be accepted as proof of commitment. Applicants must forward proof of local funding to the department by November 1 of the 2012 grant cycle, and June 1 for all subsequent years. If proof of local funding is not submitted, the application will be removed from the list of approved projects.

56.21(4) *Competitive bids.* Any equipment costing more than \$500 that is funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such process must be submitted with close-out documentation. Items purchased by any other means are not reimbursable under the grant.

571—56.22(456A) Project review and selection.

56.22(1) *Review and selection committee.* The review and selection committee shall be comprised of six members appointed by the director. The committee shall review and evaluate grant applications and determine final project approval to be recommended to the commission. Three members shall be from department staff, and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.22(2) *Conflict of interest.* If an equipment request is submitted to the committee by an entity with a member or employee on the committee, that committee member shall not participate in discussion and shall not vote on that particular equipment purchase.

56.22(3) *Consideration withheld.* The committee will not consider any grant application which, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application from an entity which, on the date of the selection session, is proposing to use the equipment at a facility that has not demonstrated compliance with or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.22(4) *Application rating system.* The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points are as follows:

- a. Overall program strength and feasibility – 30 points.
- b. Education – 30 points.
- c. Proximity to other public ranges – 25 points.
- d. Range capacity – 15 points.
- e. Project type – 10 points.

56.22(5) *Rating of scores for tiebreakers.* If two or more projects receive the same score, the committee shall use the points awarded for overall program strength and feasibility, paragraph 56.22(4) “a,” to determine which project has a higher rank.

571—56.23(456A) Commission review. The commission will review and act upon all committee recommendations at the next scheduled commission meeting. The commission may reject any grant application the committee has selected for funding. Applicants shall be notified of their grant status in writing within 30 days of the commission meeting.

571—56.24(456A) Appeals. Unfunded applicants may appeal the commission’s decision to the director within five days of receipt of the commission’s decision. A letter of appeal shall be sent to the director of the department. Before making a final decision as to the grant award, the director shall review the application, committee score sheets and commission minutes.

571—56.25(456A) Grant amendments. Grant amendments may be made upon request by the applicant, subject to the availability of funds and approval by the director or director’s designee.

571—56.26(456A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

571—56.27(456A) Payments. Ninety percent of approved grant funding may be paid to grantees when requested, but not earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion of the project and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.27(1) *Expense documentation, balance payment or reimbursement.* Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the purchase or improvement of shooting range equipment. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the purchase and have been paid by the grantee prior to requesting reimbursement. If necessary, the department may request copies of canceled checks to verify expenditures.

56.27(2) *Reasonable costs.* For purposes of this rule, expenses that are necessary and reasonably related to the purchase or improvement of shooting range equipment include, without limitation, costs of the actual equipment approved as the funded project and associated delivery costs, as well as the management and maintenance costs associated with such equipment. However, in no event shall funds awarded under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in subrule 56.21(3).

571—56.28(456A) Record keeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor's office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.28(1) *Definition of records.* Records include but are not necessarily limited to invoices, canceled checks, bank statements, and bid and quote documentation.

56.28(2) *Annual reports.* Grant recipients shall submit on forms provided by the department an annual report for five years following the close of the grant.

571—56.29(456A) Project life and recovery of grant funds. Applicants shall state an expected project life of at least ten years which will become part of the project agreement. Should the funded project cease to be used for public recreation before the end of the stated project life, the director may seek to recover the remaining value of the grant award.

571—56.30(456A) Unlawful use of grant funds. Unlawful use of grant funds includes whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project.

571—56.31(456A) Remedy. Grant funds used without authorization, for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.

571—56.32(456A) Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.

These rules are intended to implement Iowa Code sections 456A.24 and 456A.30.